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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,188	07/18/2000	Laurent Depersin	PHF 99 , 563	9688

7590 03/03/2004

Jack D Slobod  
c/o US Philips Corporation  
Intellectual Property Department  
580 White Plains Road  
Tarrytown, NY 10591

EXAMINER

ABRAHAM, ESAW T

ART UNIT	PAPER NUMBER
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2133

14

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/618,188

Applicant(s)

DEPERSIN, LAURENT

Examiner

Esaw T Abraham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amdt C filed on 02/05/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to the applicant's argument**

Remarks pages 5 and 6, the applicant argues that the prior art (Javier et al.) does not teach or suggest storage means for storing information associated with a predetermined set of speech information is different than the data in the received data frames. However, it is known in the art to receive the same or different speech elements than the predetermined stored speech elements depending the system's requirement and specification and further the examiner would like to point out that there is no such teaching "speech element is different than the data in the received data frames" in the application's disclosure. Therefore, in light of the above, the rejection holds strong in view of the recited reference.

### **DETAILED ACTION**

1. Claims 1, 2 and 4-10 are remained and presented for examination.

#### ***Specification***

2. The **title** of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim objections***

3. Claim 2, 4 and 8-10 are objected to because of the following informalities:

In claim 2: Please change the term "A receiver" to "The receiver "

In claim 4: Please change the phrase "Telephone equipment comprising a receiver as in claim 1" to "The receiver as in claim 1, comprising a telephone equipment".

In claim 8: Please change the term “An error correction device” to “The error correction device”

In claim 9: Please change the term “An error correction device” to “The error correction device”

In claim 10: Please change the term “An error correction device” to “The error correction device”

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1, 2 and 4-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Javier et al (U.S. PN: 5,526,366).

As per claims **1 and 4-7**, Javier et al. disclose a communication system and a method for transmitting data between a transmitter and a receiver (see col. 1, lines 10-34) whereby the receiver receives a speech signal (see col. 1, lines 48-63 and see fig. 1 element 110) comprising a recognition of erroneous frame (error detector) (see fig. 4, element 407), erroneous frame/error-free frame classifier for recognizing, classifying and storing speech data (see fig. 4 element 407) and a replacement of erroneous frames (replacement means) for replacing of the erroneous frames (see fig. 4, element 402). Javier et al. teach a method of receiving speech information and classifying a received speech frame as erroneous or error-free and placing (storing) an erroneous frame in one of several replacement states for replacing the erroneous frame with a frame corresponding to a previously received error-free speech frame (see col. 4, element 47-64). Further, Javier et al. teach that the quality of the transmission connection in block (synthesis means) (409) introduced directly into the output (403) for the synthesizing (combining) of speech signal in the speech decoder (106) (see col. 6, last paragraph). However, Javier et al did not explicitly teach or mention a storage means for storing speech information, by virtue of the fact the erroneous/error-free frame classifier must include a storage system for storing data as temporary or permanent during classifying (processing) the speech data as erroneous or error-free frame and before transmitting the speech data for further computation. Therefore, it would

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have been obvious to a person having ordinary skill in the art at the time the invention was made to store a predetermined speech data before classifying the received speech frame as erroneous or error-free and placing an erroneous frame in the replacement frame. This modification would have been obvious because one person having ordinary skill in the art would have been motivated to employ a storage means in order to enter or retain information for subsequent retrieval.

As per claims **2 and 8-10**, Jarvinen et al teach all subject matter claimed in claim 1. Jarvinen et al did not teach the terms phonemes or diphones. However, diphones or phonemes are known in the art and common knowledge to most of speech transmitting systems. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made have speech elements such as phonemes or diphones. This modification would have been obvious because one person having ordinary skill in the art would have been motivated because such speech elements (phonemes) are any of abstract units of phonetic system of a language that correspond to a set of similar speech sounds which are perceived a single distinctive sound in the language.

### *Conclusion*

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Saw Abraham whose telephone number is (703) 305-7743. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Albert Decay can be reached on (703) 305-9595. The fax phone numbers for the organization

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where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Esaw Abraham*

Esaw Abraham

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*Albert Deady*  
ALBERT DEADY  
SUPERVISORY PATENT EXAMINER  
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